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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

GARY HOFMANN,
 Plaintiff,
 v.
 FIFTH GENERATION, INC., a
 Texas corporation; and DOES 1
 through 100, inclusive,
 Defendants.

Case No: 14-CV-2569 JM (JLB)

**JOINT MOTION TO CONTINUE
 HEARING ON MOTION FOR CLASS
 CERTIFICATION AND SET A BRIEFING
 SCHEDULE FOR OPPOSITION AND
 REPLY BRIEFS**

AND RELATED CASE

Action filed: Sept. 30, 2014
 Removed: October 28, 2014
 Trial date: December 19, 2016

JOINT MOTION TO CONTINUE HEARING AND
 SET BRIEFING SCHEDULE

14cv2569

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JOINT MOTION TO CONTINUE HEARING AND
SET BRIEFING SCHEDULE

14cv2569

JOINT MOTION

On January 8, 2016, a motion for class certification was filed that noticed a hearing date of February 29, 2016, at 10:00 a.m., before the Hon. Jeffrey T. Miller.

Having met and conferred regarding scheduling issues, the parties have stipulated and agreed to, pending this Court's approval, continue the hearing and to set filing deadlines that provide sufficient time for each side to prepare their respective opposition and reply papers, including sufficient time for defendant to complete expert discovery relating to the motion. Accordingly, the parties propose as follows:

Event	Old Date	Proposed New Date
Defendant's opposition due	February 12, 2016	February 22, 2016
Reply due	February 22, 2016	March 14, 2016
Hearing on motion for class certification	February 29, 2016 10:00 a.m.	March 21, 2016 10:00 a.m.

This proposed briefing schedule complies with the Local Civil Rules requiring oppositions to be filed at least 14 days before the hearing and replies to be filed at least 7 days before the hearing. CivLR 7.1(e). Additionally, on January 15, 2016, the parties tentatively cleared the March 21, 2016 date with the Court's law clerk, per the Court's Standing Rules.

For the forgoing reasons, the parties jointly request that the Court continue the hearing and set the briefing schedule as set forth herein.

DATED: January 15, 2016

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: s/ Ricky L. Shackelford

Attorneys for Defendant

Fifth Generation, Inc.

E-mail: shackelfordr@gtlaw.com

1 DATED: January 15, 2016

CUNEO GILBERT & LaDUCA, LLP

2
3 By: /s Taylor Asen

4 Attorney for Plaintiff GARY

HOFMANN

5 Email: tasen@cuneolaw.com

6 I certify that all signatories hereto have indicated the content of this document is
7 acceptable for filing and given their permission to use their e-signatures on this
8 document.

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CERTIFICATE OF SERVICE**UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA*Hofmann v. Fifth Generation, Inc., etc.*
USDC Case No. 3:14-CV-2569-JM-JLB

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and not a party to the within action; my business address is **1840 Century Park East, Suite 1900, Los Angeles, CA 90067.**

On January 15, 2016, I served the **JOINT MOTION TO CONTINUE HEARING ON MOTION FOR CLASS CERTIFICATION AND SET A BRIEFING SCHEDULE FOR OPPOSITION AND REPLY BRIEFS** on the interested parties in this action as follows:

JOHN H. DONBOLI (SBN: 205218) E-mail: jdonboli@delmarlawgroup.com JL SEAN SLATTERY (SBN: 210965) E-mail: sslattery@delmarlawgroup.com DEL MAR LAW GROUP, LLP 12250 El Camino Real, Suite 120 San Diego, CA 92130 Telephone: (858) 793-6244 Facsimile: (858) 793-6005 <i>Attorneys for Plaintiff: GARY HOFMANN, an individual and on behalf of all others similarly situated</i>	Jonathan W. Cuneo, Esq. Email: jonc@cuneolaw.com Taylor Asen, Esq. Email: tasen@cuneolaw.com CUNEO GILBERT & LaDUCA, LLP 507 C Street, NE Washington, DC 20002 Tel: (202) 789-3960 Fax: (202) 789-1813 <i>Co-Counsel for Plaintiff: GARY HOFMANN, an individual and on behalf of all others similarly situated</i>
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1 who are registered CM/ECF users will be served by the CM/ECF system.
2 Participants in the case who are not registered CM/ECF users will be served by
3 mail or by other means permitted by the court rules.

4 ☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and
5 correct, and that I am employed at the office of a member of
6 the bar of this Court at whose direction the service was made.

7 Executed on January 15, 2016, at Los Angeles, California.

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9 /s/ Ricky L. Shackelford
10 Ricky L. Shackelford
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